

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

REBECCA DUELL,

Plaintiff,

vs

8:08-CV-969

MICHAEL J. ASTRUE, COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

MARK A. SCHNEIDER, ESQ.
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Plattsburgh, NY 12901

SOCIAL SECURITY ADMINISTRATION
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SHEENA VS. WILLIAMS-BARR, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff filed this action in September 2008, seeking judicial review of a final decision of the Commissioner of Social Security ("Commissioner") denying her application for disability insurance benefits ("DIB") and Supplemental Security Income ("SSI"). By Report-Recommendation dated November 12, 2009, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the Commissioner's decision denying disability benefits be remanded for further proceedings in accordance with the report-recommendation

and pursuant to sentence four of 42 U.S.C. Section 405(g). No objections have been filed, however the plaintiff's attorney has filed a letter requesting that a Final Order be filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Bianchini, the Report-Recommendation is accepted and adopted in whole.

See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. The Commissioner's decision denying disability benefits is REMANDED for further development of the evidence; and

2. The matter is REMANDED for further proceedings in accordance with the recommendation and pursuant to sentence four of 42 U.S.C. Section 405(g).

IT IS SO ORDERED.

Dated: January 5, 2010
Utica, New York.



United States District Judge